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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,782	07/01/2003	Budd O. Libby	2605/69513/RDK	9688

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EXAMINER

HARPER, TRAMAR YONG

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 11/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/612,782

Applicant(s)

LIBBY ET AL.

Examiner

Tramar Harper

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 14-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 14-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Examiner acknowledges receipt of amendment on 7/31/06. The arguments set forth in the response are addressed herein below. Claims 1-12 & 14-19 remain pending, Claim 13 has been canceled, & Claims 1, 8, & 14 have been amended.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Graves (6,955,604).

Claims 1, 2, 9, 14, and 16: Graves teaches the invention of a bingo game apparatus that comprises of a random number or bingo game generator, which provides the sequence of numbers for the bingo game, an animation drawing subsystem, which pre-recorded video clips are played corresponding to each drawn bingo number, and a remote point of sale site, where participants purchase bingo tickets electronically through a remote computer before the game starts (Spec: Col. 5, Paragraphs 4-5; Col. 8, Paragraph 2). The pre-recorded video clips can take the form of a live bail caller or person that draws and announces the numbers or it can take the form of an animated character performing the same function (Spec: Col. 4, Paragraph 3). Graves teaches

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that as the bingo game events occur the host computer transmits data and code related to the respective pre-recorded clips, which are stored at the remote terminals; and the remote terminals use the codes to compile a video representation of the bingo game events (Col. 6:33-44). Graves excludes the animation drawing subsystem located at a bingo web server or the host/server side of the network. Graves teaches that the host side generates codes related to the respective pre-recorded video clips located at the client-side and the clients use the codes to compile the video representation of the bingo events. However, Applicant has not disclosed that having the animation subsystem at the server side solves any stated problem or it's for any particular purpose. Moreover, it appears that the subsystem of Graves, or the applicant's invention, would perform equally well with the animation subsystem at either location. Accordingly, it would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to have modified Graves such that the animation subsystem such is located at the server-side of the network because such a modification would have been considered a mere design consideration which fails to patentably distinguish itself over Graves.

Claims 3 - 6, 8, 11-12, and 17-19: Graves invention comprises of a base location and at least one remote location, which are linked via the Internet. The base location comprises of a central host computer and a verifier computer (Fig. 1, 7). The central host computer transmits information such as the bingo cards played to the verifier computer. The verifier computer stores the bingo cards played onto a database, which is categorized by a serial number assigned to each bingo card. When the game is in

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progress the verifier computer receives the randomly drawn numbers of the bingo game and the serial number of any claimed winning card from the central computer. The verifier computer uses the serial number to find the claimed winning card in the database and then compares the card to the drawn numbers to determine if the claimed card is a winner (Spec: Col. 5, Paragraph 3). The verifier computer further transmits an id number that activates an algorithm to the remote computers. The algorithm instructs each remote computer to display the claimed and already stored winning card to a monitor via the internet, which is interpreted as displaying a video segment that corresponds to the winning sequence of numbers (Spec: Col. 7 - Paragraph 1, Col. 8 – Paragraph 3). If the claimed card is not a winner the game continues until a winning card is found, which is interpreted as the verifier computer comparing a plurality of claimed winning cards until the winner is found (Specification – Paragraph 26). It is inherent in the art that computer have a processor, a storage device, and some type of programmable executables in order to function, and that a computer uses the internet as a transmission means.

Claim 7, 10, and 15: Graves invention teaches the use of a network that comprises of a game host or central system linked via the Internet to remote sites. Players are able to participate at these remote sites through client computers. Participants use software already installed on the central system and remote computers to interact through the internet. It is inherent in the art that a website is a means to interact with a host and remote computers. (Spec: Col: 8, Paragraph 3)

Response to Arguments

Applicant's arguments with respect to Claims 1-12 & 14-19 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Fisk (US 6,280,325) teaches a similarly structured device.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

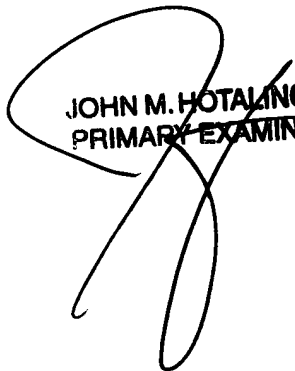
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tramar Harper whose telephone number is (571) 272-6177. The examiner can normally be reached on 7:30am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TH

11/1/2006


JOHN M. HOTELLING, II
PRIMARY EXAMINER